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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,854

05/26/2006

Philip Von Schroeter

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EXAMINER

ABRAHAM, AMJAD A

ART UNIT

PAPER NUMBER

4151

MAIL DATE

DELIVERY MODE

09/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,854	Applicant(s) VON SCHROETER ET AL.	
	Examiner AMJAD ABRAHAM	Art Unit 4151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" has been used to designate both the cap and the circulating partition wall in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “cap (23)” as described in the specification on page 9, line 1. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

1. Claim 1 is objected to because of the following informalities: Claim 1 lacks transitional language and this affects the overall flow of the claim. Appropriate correction is required.
2. Claims 5-19 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102 (b) as being anticipated by Filser et al. (PCT Pub. WO 02/45614 A1 made of record by the applicant), whose English equivalent is US Patent No. 7,077,391, which was relied on by examiner to make the following rejections.

5. In Claim 1 Filser teaches a method for Producing a Molded Piece (24, 124) **(Holding Device for a Ceramic Blank, Abstract)**, in particular dental objects such as, caps and bridgework **(Ceramic Dental Prostheses, Abstract)**, whereby the molded piece is brought out from a blank mold (26, 126) by machine cutting **(“Separated from the workpiece (8)”, Column 5, lines 42-47 and also see figure 7 and 9)**, and the working is ended with the splitting **(separating, Column 5, lines 42-47)** of a connection **(web or “holding webs”, column 5, lines 42-67)**(32, 132) between the molded piece and the remaining mold blank **(See figures 7 and 9 showing the web holding the molded piece to the remaining blank)**, characterized in that the molded piece is brought out from the mold blank (26,126) in such a way that, at completion of the outer and inner contours **(See Figures 7 and 9 showing the completed milling process**

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around the outer contour and the inner contour of the mold)(28, 30,128, 130) of the casting remain connected with blank mold via a connection **(web or holding web)** in the form of a circulating partition wall **(Ring, Column 1 line 65 to column 2 line 10)**(32) or a membranous connection **(web)**exhibiting through holes, and that, subsequently, the connection (132) is split **(Separated)**.

6. In claim 2 Filser teaches in that the circulating partition wall (32) is split via a circular (circulating) milling **(See separation of web holding means discussed in column 5, lines 42-47 and milling cutters, column 1, lines 50-55)**.

7. In claim 3 Filser teaches that the membranous connection (132) is destroyed during manual pressure **(grinding or special machining tools)** on the casting **(“The ceramic workpiece is worked out of the ceramic blank with a special machining tool”, Column 1, lines 35-45-- it is conventional to grind, cut, mill, or apply manual pressure in order to obtain the final shape of a dental article)**.

8. In claim 4 Filser teaches that the membrane-like connection (132) is split with a knife-like tool **(special machining tools)**, such as a scalpel **(Grinding tool, Column 1, lines 35-45→ While splitting of the connection (web) by the use of a tool is not explicitly taught it would be inherent that such a tool could be used. A grinding tool is just a mechanical replacement of a manual tool like a scalpel)**.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference Bodenmiller et al. (USP No. 6,495,073) which discloses a method for holding a ceramic mold in a ceramic blank during a milling

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operation by means of an embedding means. The reference Hagenbuch et al. (US Patent Application # 2002/0040074) which discloses a dental material containing a tear off material. The reference Reidt et al. (USP No. 6,482,284) which discloses a dental mill blank and a method for supporting said blank to molded article.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMJAD ABRAHAM whose telephone number is (571)270-7058. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on (571) 272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAA

***/Angela Ortiz/
Supervisory Patent Examiner, Art Unit 4151***